

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ben Gilmore	Team: Squad #15	CCRB Case #: 201704987	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/14/2017 6:00 AM	Location of Incident: § 87(2)(b); 90th Precinct stationhouse	Precinct: 90	18 Mo. SOL 12/14/2018	EO SOL 12/14/2018	
Date/Time CV Reported Wed, 06/14/2017 11:45 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/19/2017 10:48 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Molinski	21578	952030	NARCBBN
2. An officer			NARCBBN
3. DT3 Allan Ward	520	949783	NARCBBN
4. Officers			NARCBBN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Rene Castellano	02610	946836	NARCBBN
2. DT3 Jamar Goddard	692	948033	NARCBBN
3. POM Melvin Cordero	26046	950232	NARCBBN
4. SGT Alexandru Anghel	00240	934403	NARCBBN
5. POM Alejandro Villalona	25443	947866	NARCBBN
6. POM Samuel Perez	30137	946107	NARCBBN
7. DT2 Samuel Lallave	03824	894731	NARCBBN
8. INS Miguel Iglesias	00000	899369	NARCBBN

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Discourtesy: Outside § 87(2)(b), in Brooklyn, an officer spoke discourteously to § 87(2)(b)	
B. POM Daniel Molinski	Abuse: Police Officer Daniel Molinski entered and searched § 87(2)(b), in Brooklyn.	
C. Officers	Abuse: Officers entered and searched § 87(2)(b), in Brooklyn.	
D. DT3 Allan Ward	Force: Inside § 87(2)(b) in Brooklyn, Detective Allan Ward pointed his gun at § 87(2)(b)	
E. DT3 Allan Ward	Force: Inside § 87(2)(b) in Brooklyn, Detective Allan Ward used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
F.POM Daniel Molinski	Abuse: Inside § 87(2)(b) in Brooklyn, Police Officer Daniel Molinski questioned § 87(2)(b)	
G.POM Daniel Molinski	Abuse: Inside § 87(2)(b) in Brooklyn, Police Officer Daniel Molinski threatened to notify ACS.	
H. An officer	Force: At the 90th Precinct stationhouse, an officer used physical force against § 87(2)(b)	
I. An officer	Abuse: At the 90th Precinct stationhouse, an officer damaged § 87(2)(b)'s property.	

Case Summary

On June 14, 2017, § 87(2)(b) spoke with the IAB Command Center via telephone and filed this complaint on behalf of her mother, also named § 87(2)(b) her mother's boyfriend, § 87(2)(b) her brother, § 87(2)(b) and her sister-in-law, § 87(2)(b) IAB forwarded the complaint to the CCRB, where it was received on June 19, 2017. The junior § 87(2)(b) indicated that she did not personally witness the incident.

On June 14, 2017, at approximately 6:00 a.m., five civilians—§ 87(2)(b) § 87(2)(b) and an infant—were inside § 87(2)(b) § 87(2)(b), in Brooklyn. Approximately 10 police officers, each assigned to Narcotics Borough Brooklyn North, arrived outside the apartment to execute a search warrant. PO Daniel Molinski of Narcotics Borough Brooklyn North obtained the search warrant (Board Review 01).

§ 87(2)(b) alleged that immediately prior to police entering the apartment, an unknown officer shouted, "Open the fucking door." (**Allegation A**). § 87(2)(b) alleged that officers, including PO Molinski, entered and searched the apartment (**Allegations B and C**). § 87(2)(b) testified that she was in a bedroom solely with § 87(2)(b) and their infant and that she was holding the infant when officers entered the bedroom. § 87(2)(b) alleged that Det. Allan Ward of Narcotics Borough Brooklyn North pointed his gun at her while she held her infant (**Allegation D**). § 87(2)(b) alleged that Det. Ward pulled § 87(2)(b) legs, forcing him to the ground (**Allegation E**).

§ 87(2)(b) and § 87(2)(b) were each led to the living room inside the apartment. § 87(2)(b) alleged that PO Molinski asked her if she knew that § 87(2)(b) used or sold drugs (**Allegation F**). § 87(2)(b) alleged that PO Molinski told her that he would call ACS and have her children taken away (**Allegation G**).

§ 87(2)(b) testified that she, § 87(2)(b) and § 87(2)(b) were transported to the 90th Precinct stationhouse. § 87(2)(b) alleged that an unknown officer pushed § 87(2)(b) in the back, causing him to fall face first on the ground (**Allegation H**). § 87(2)(b) further alleged that an unknown officer ripped § 87(2)(b) belt as it was removed from his person (**Allegation I**).

§ 87(2)(b) and § 87(2)(b) were each arrested as a result of this incident (Board Review 02). Each individual was charged with § 87(2)(b) § 87(2)(b). § 87(2)(b) was charged with three additional offenses: § 87(2)(b).

There is no video footage of this incident.

This case surpassed the 90-day benchmark because it took over one month to obtain a sworn statement from a civilian and nine officers were interviewed.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation due to the arrest of § 87(2)(b)
- A Notice of Claim inquiry was submitted with the New York City Comptroller's Office on October 2, 2017 (Board Review 03). The results will be added to the case file upon receipt.

- § 87(2)(b)
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- § 87(2)(b)
- § 87(2)(b)
 - Neither § 87(2)(b) nor § 87(2)(b) has been criminally convicted in New York State in the last 10 years (Board Review 07).

Civilian and Officer CCRB Histories

- This is the first CCRB complaint in which § 87(2)(b) is involved and the first in which § 87(2)(b) is involved (Board Review 08).
- This is the second CCRB complaint filed by the junior § 87(2)(b) (Board Review 09).
- This is the second CCRB complaint in which § 87(2)(b) is involved and the second in which the senior § 87(2)(b) is involved (Board Review 10).
- Det. Ward has been a member of service for seven years, and he has been the subject of 13 previous CCRB allegations, none of which was substantiated.
- PO Molinski has been a member of service for five years, and he has been the subject of nine previous CCRB allegations, none of which was substantiated.

Potential Issues

Despite extensive efforts, § 87(2)(b) did not cooperate in providing a sworn statement to the CCRB, and the investigation was unable to establish contact with § 87(2)(b) or § 87(2)(b) (see Investigative Actions).

Findings and Recommendations

Explanation of Subject Officer Identification

- It is undisputed that approximately 10 officers, each from Narcotics Borough Brooklyn North, arrived outside of § 87(2)(b), in Brooklyn to execute a “no-knock” search warrant. § 87(2)(b) alleged that one of these officers said “open the fucking door,” but § 87(2)(b) was unable to determine which officer said this. Each of the nine officers interviewed—PO Daniel Molinski (Board Review 11), PO Rene Castellano (Board Review 12), Det. Allan Ward (Board Review 13), Det. Jamar Goddard (Board Review 14), PO Melvin Cordero (Board Review 15), Sgt. Alexandru Anghel (Board Review 16), PO Alejandro Villalona (Board Review 17), PO Samuel Perez (Board Review 18) and Det. Samuel Lallave (Board Review 19)—indicated that they were present outside the apartment, but none of them acknowledged saying this or hearing any officer say this. No officer interviewed indicated that any officer used profanity during the incident. § 87(2)(g)

- § 87(2)(b) (Board Review 20) alleged that an unknown officer pushed § 87(2)(b) to the ground inside the 90th Precinct stationhouse. § 87(2)(b) indicated that this officer had been present for the search warrant execution, and that he was a Hispanic male with a medium complexion. § 87(2)(b) could not further describe the officer who allegedly pushed § 87(2)(b). Six officers involved in the execution of the search warrant were Hispanic males. There was conflicting testimony regarding which officers interacted with § 87(2)(b) at the stationhouse. However, no officer interviewed indicated that they pushed § 87(2)(b) or saw any officer do so. § 87(2)(g)
- § 87(2)(b) alleged that an officer who was involved in the execution of the search warrant forcefully removed § 87(2)(b) belt, breaking the belt. § 87(2)(b) could not describe the officer who allegedly broke § 87(2)(b) belt. No officer interviewed indicated that they removed § 87(2)(b) belt or recalled doing so. No officer indicated that they broke a belt or saw any officer do so. § 87(2)(g)

Allegation A – Discourtesy: Outside § 87(2)(b), in Brooklyn, an officer spoke discourteously to § 87(2)(b)

§ 87(2)(g)

Allegation B – Abuse of Authority: Police Officer Daniel Molinski entered and searched § 87(2)(g) in Brooklyn.

Allegation C – Abuse of Authority: Officers entered and searched § 87(2)(g), in Brooklyn.

It is undisputed that PO Molinski obtained a “no-knock” search warrant for § 87(2)(b), in Brooklyn. It is further undisputed that PO Molinski and approximately nine other officers entered and searched the apartment pursuant to the valid search warrant.

An officer may forcefully enter a premise and conduct a full and thorough search for contraband outlined in a search warrant. New York State Criminal Procedure Law, Section 690.50 (Board Review 21).

§ 87(2)(g)

Allegation D – Force: Inside § 87(2)(g), in Brooklyn, Detective Allan Ward pointed his gun at § 87(2)(b)

It is undisputed that Det. Ward entered the bedroom where § 87(2)(b) and their baby were located. § 87(2)(b) testified that she was holding the baby when Det. Ward entered. § 87(2)(b) alleged that Det. Ward pointed his gun at her for approximately five minutes, while she held the baby. As discussed in the ‘Potential Issues’ section, the CCRB was unable to obtain a statement from any of the potential civilian witnesses.

Det. Ward acknowledged that he had his gun drawn when he entered the bedroom and that he was the only officer who had a gun drawn in the bedroom. However, Det. Ward testified that he never pointed the gun at § 87(2)(b) because he immediately recognized that she was not a threat. No other officer interviewed testified that they saw Det. Ward point a gun at § 87(2)(b) or at any civilian while they held a baby.

§ 87(2)(g)

Allegation E – Force: Inside § 87(2)(b) in Brooklyn, Detective Allan Ward used physical force against § 87(2)(b)

§ 87(2)(b) alleged that after Det. Ward pointed his gun at her for approximately five minutes, he approached § 87(2)(b) and pulled him off the bed by his leg, causing him to fall to the ground. § 87(2)(b) testified that § 87(2)(b) was not moving or resisting when Det. Ward pulled him to the ground.

Det. Ward denied pulling § 87(2)(b) to the ground. Every officer interviewed denied seeing Det. Ward pull § 87(2)(b) to the ground.

No officer interviewed indicated that § 87(2)(b) offered physical resistance. § 87(2)(b) was not charged with resisting arrest, nor is there indication that he offered physical resistance in the narrative of the arrest report.

§ 87(2)(g)

Allegation F – Abuse of Authority: Inside § 87(2)(b) in Brooklyn, Police Officer Daniel Molinski questioned § 87(2)(b)

It is undisputed that the four occupants of the apartment—§ 87(2)(b) and § 87(2)(b)—were brought into the living room of the apartment. § 87(2)(b) alleged that PO Molinski asked her whether she knew that § 87(2)(b) uses and sells drugs.

PO Molinski denied asking drug-related questions to § 87(2)(b). No officer interviewed testified that PO Molinski asked § 87(2)(b) drug-related questions (or that they recalled him doing so).

An officer may question an individual about a crime when the officer has founded suspicion particularized to that individual that the individual has engaged in criminality. People v. De Bour, 40 N.Y.2d 210 (1976) (Board Review 22).

§ 87(2)(g)

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation G – Abuse of Authority: Inside § 87(2)(g) in Brooklyn, Police Officer Daniel Molinski threatened to notify ACS.

§ 87(2)(b) alleged that PO Molinski told her that he was going to notify ACS and that he would have her children taken from her. PO Molinski acknowledged telling § 87(2)(b) that he was going to notify ACS, but he denied stating that he would have her children taken from her. Each interviewed officer denied hearing PO Molinski say that he would have § 87(2)(b)s children taken from her.

PO Molinski testified that he told § 87(2)(b) that he would notify ACS, because a baby was in the location where a search warrant was executed. Sgt. Anghel testified that he believed that ACS should have been notified in this case, because there was reason to believe the baby was being abused in some way, although he declined to provide any details regarding why he came to this conclusion.

A search warrant was executed where the baby resided, and drugs—including crack cocaine—was allegedly recovered during the search. Both the baby’s mother and father were charged with possessing crack cocaine.

A police officer may notify ACS when the officer reasonably determines that a child has been, is believed to be, or may be abused, neglected or maltreated. NYPD Patrol Guide, Procedure 215-03 (Board Review 23).

§ 87(2)(g)
§ 87(2)(g)

Allegation H – Force: At the 90th Precinct stationhouse, an officer used physical force against § 87(2)(b)

Allegation I – Abuse of Authority: At the 90th Precinct stationhouse, an officer damaged § 87(2)(b)s property.

§ 87(2)(g)
§ 87(2)(g)

Squad:

Investigator:	_____	_____	_____
	Signature	Print	Date

Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date